



February 26, 2016

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## ENGROSSED HOUSE BILL No. 1235

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DIGEST OF HB 1235 (Updated February 23, 2016 1:20 pm - DI 106)

**Citations Affected:** IC 35-50.

**Synopsis:** Drug offenses. Specifies that Level 2 controlled substance offenses are nonsuspendible if: (1) the offense involves methamphetamine or heroin; and (2) the person has a prior felony conviction for dealing in certain controlled substances.

**Effective:** July 1, 2016.

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### Steuerwald, Koch, McNamara, Goodin

(SENATE SPONSORS — YOUNG R MICHAEL, STEELE, ARNOLD J)

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January 11, 2016, read first time and referred to Committee on Courts and Criminal Code.

January 21, 2016, reported — Do Pass.

January 25, 2016, read second time, ordered engrossed.

January 26, 2016, engrossed. Read third time, passed. Yeas 84, nays 12.

#### SENATE ACTION

February 8, 2016, read first time and referred to Committee on Corrections & Criminal Law.

February 25, 2016, amended, reported favorably — Do Pass.

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EH 1235—LS 6965/DI 107





February 26, 2016

Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1235

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-50-2-2.2, AS AMENDED BY P.L.168-2014,  
2       SECTION 112, IS AMENDED TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2016]: Sec. 2.2. (a) Except as provided in  
4       subsection (b), ~~or~~ (c), **or (d)**, the court may suspend any part of a  
5       sentence for a felony.

6       (b) If a person is convicted of a Level 2 felony or a Level 3 felony,  
7       except a Level 2 felony or a Level 3 felony concerning a controlled  
8       substance under IC 35-48-4, and has any prior unrelated felony  
9       conviction, the court may suspend only that part of a sentence that is in  
10      excess of the minimum sentence for the:

11          (1) Level 2 felony; or

12          (2) Level 3 felony.

13      **(c) If:**

14          **(1) a person has a prior unrelated felony conviction in any**  
15          **jurisdiction for dealing in a controlled substance that is not**  
16          **marijuana, hashish, hash oil, salvia divinorum, or a synthetic**  
17          **drug, including an attempt or conspiracy to commit the**

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1 offense; and

2 (2) the person is convicted of a Level 2 felony under:

3 (A) IC 35-48-4-1 and the offense involves the:

4 (i) manufacture;

5 (ii) delivery; or

6 (iii) financing of the manufacture or delivery;  
7 of heroin; or

8 (B) IC 35-48-4-1.1;

9 the court may suspend only that part of a sentence that is in excess  
10 of the minimum sentence for the Level 2 felony.

11 ~~(c)~~ (d) The court may suspend only that part of a sentence for  
12 murder or a Level 1 felony conviction that is in excess of the minimum  
13 sentence for murder or the Level 1 felony conviction.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1235 as introduced.)

WASHBURN

Committee Vote: Yeas 8, Nays 3

## COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 8.

Page 2, delete lines 21 through 24, begin a new paragraph and insert:

"(c) If:

**(1) a person has a prior unrelated felony conviction in any jurisdiction for dealing in a controlled substance that is not marijuana, hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense; and**

**(2) the person is convicted of a Level 2 felony under:**

**(A) IC 35-48-4-1 and the offense involves the:**

**(i) manufacture;**

**(ii) delivery; or**

**(iii) financing of the manufacture or delivery;**

**of heroin; or**



**(B) IC 35-48-4-1.1;  
the court may suspend only that part of a sentence that is in excess  
of the minimum sentence for the Level 2 felony."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1235 as printed January 22, 2016.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 2.

